

APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007

The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

This law will amend existing law to provide a legal remedy to employees that are terminated for conduct unrelated to the employment relationship or to the employer, unless the employees' outside conduct directly harms, or attempts to harm, the employer or the employer's financial interest.

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X Janice Salerno
Signature of Applicant

JANICE SALERNO
Printed Name of Applicant

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Address

Glendale, AZ 85304
City State Zip

602-843-9263
Telephone Number

Date of Application September 28, 2011

Signatures Required 172,809

Deadline for Filing July 5, 2012

Serial Number Issued I-07-2012

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FOX PETITIONS SUPPORTING
WORKERS' RIGHTS ACT

FOX PETITIONS, LLC
Name of Organization (if any)

5830 W. Thunderbird RD, Ste B8-403
Address

Glendale, AZ 85306-0900
City State Zip

Telephone Number

JANICE Salerno - Chairman
Name of Officer and Title

5830 W. Thunderbird RD, Ste B8-403
Address

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City State Zip

Telephone Number

FOX Salerno - Treasurer
Name of Officer and Title

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OFFICIAL TITLE

AMENDING SECTION 23-1501, ARIZONA REVISED STATUTES, RELATING TO SEVERABILITY OF EMPLOYMENT RELATIONSHIPS.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the people of the state of Arizona:

Section 1. Title.

This act may be cited as the "Workers' Rights Act."

Section 2. Findings.

The People of Arizona find and declare the following:

Employees are entitled to protection from termination or retribution for conduct unrelated to the employment relationship or to the employer.

Therefore, the purpose of this Act is to provide a remedy to employees that are terminated for conduct unrelated to the employment relationship or to the employer.

Section 3. Section 23-1501, Arizona Revised Statutes, is amended to read:

23-1501. Severability of employment relationships; protection from retaliatory discharges; exclusivity of statutory remedies in employment

The public policy of this state is that:

1. The employment relationship is contractual in nature.
2. The employment relationship is severable at the pleasure of either the employee or the employer unless both the employee and the employer have signed a written contract to the contrary setting forth that the employment relationship shall remain in effect for a specified duration of time or otherwise expressly restricting the right of either party to terminate the employment relationship. Both the employee and the employer must sign this written contract, or this written contract must be set forth in the employment handbook or manual or any similar document distributed to the employee, if that document expresses the intent that it is a contract of employment, or this written contract must be set forth in a writing signed by the party to be charged. Partial performance of employment shall not be deemed sufficient to eliminate the requirements set forth in this paragraph. Nothing in this paragraph shall be construed to affect the rights of public employees under the Constitution of Arizona and state and local laws of this state or the rights of employees and employers as defined by a collective bargaining agreement.
3. An employee has a claim against an employer for termination of employment only if one or more of the following circumstances have occurred:
 - (a) The employer has terminated the employment relationship of an employee in breach of an employment contract, as set forth in paragraph 2 of this section, in which case the remedies for the breach are limited to the remedies for a breach of contract.
 - (b) The employer has terminated the employment relationship of an employee in violation of a statute of this state. If the statute provides a remedy to an employee for a violation of the statute, the remedies provided to an employee for a violation of the statute are the exclusive remedies for the violation of the statute or the public policy set forth in or arising out of the statute, including the following:
 - (i) The civil rights act prescribed in title 41, chapter 9.
 - (ii) The occupational safety and health act prescribed in chapter 2, article 10 of this title.
 - (iii) The statutes governing the hours of employment prescribed in chapter 8, article 5 of this title.
 - (iv) The agricultural employment relations act prescribed in chapter 8, article 5 of this title.All definitions and restrictions contained in the statute also apply to any civil action based on a violation of the public policy arising out of the statute. If the statute does not provide a remedy to an employee for the violation of the statute, the employee shall have the right to bring a tort claim for wrongful termination in violation of the public policy set forth in the statute.
 - (c) The employer has terminated the employment relationship of an employee in retaliation for any of the following:
 - (i) The refusal by the employee to commit an act or omission that would violate the Constitution of Arizona or the statutes of this state.
 - (ii) The disclosure by the employee in a reasonable manner that the employee has information or a reasonable belief that the employer, or an employee of the employer, has violated, is violating or will violate the Constitution of Arizona or the statutes of this state to either the employer or a representative of the employer who the employee reasonably believes is in a managerial or supervisory position and has the authority to investigate the information provided by the employee and to take action to prevent further violations of the Constitution of Arizona or statutes of this state or an employee of a public body or political subdivision of this state or any agency of a public body or political subdivision.
 - (iii) The exercise of rights under the workers' compensation statutes prescribed in chapter 6 of this title.
 - (iv) Service on a jury as protected by section 21-236.
 - (v) The exercise of voting rights as protected by section 16-1012.
 - (vi) The exercise of free choice with respect to nonmembership in a labor organization as protected by section 23-1302.
 - (vii) Service in the national guard or armed forces as protected by sections 26-167 and 26-168.
 - (viii) The exercise of the right to be free from the extortion of fees or gratuities as a condition of employment as protected by section 23-202.

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(ix) The exercise of the right to be free from coercion to purchase goods or supplies from any particular person as a condition of employment as protected by section 23-203.

(x) The exercise of a victim's leaves right as provided in sections 8-420 and 13-4439.

(d) In the case of a public employee, if the employee has a right to continued employment under the United States Constitution, the Arizona Constitution, Arizona Revised Statutes, any applicable regulation, policy, practice, or contract of the state, any subdivision of the state or other public entity, or any ordinance of any political subdivision of the state.

(E) THE EMPLOYER HAS TERMINATED THE EMPLOYMENT RELATIONSHIP WITH AN EMPLOYEE FOR ANY CONDUCT OF THE EMPLOYEE THAT HAS OCCURRED OUTSIDE OF THE EMPLOYMENT RELATIONSHIP UNLESS THE EMPLOYEE'S CONDUCT OUTSIDE OF THE EMPLOYMENT RELATIONSHIP DIRECTLY AND INTENTIONALLY INFLECTS, OR ATTEMPTS TO DIRECTLY AND INTENTIONALLY INFLECT, ACTUAL HARM TO THE EMPLOYER OR THE EMPLOYER'S FINANCIAL INTERESTS.

Section 4. Effective Date.

This act shall be effective upon certification of the secretary of state, and made applicable to all current and future employment relationships.

Section 5. Severability.

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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